

Report: CZR0026 v18.0

22ND JUDICIAL CIRCUIT
CITY OF ST. LOUIS
CIRCUIT COURT DOCKET SHEETDate: 19-Oct-2018
Time: 1:22:23PM
Page: 1

1822-CC10861

ANN HAMILTON V AUTOMOBILE CLUB OF
MISSOURI ET AL

Security Level: 1 Public

Case Type: CC Pers Injury-Other

Case Filing Date: 29-Jul-2018

Status: Pet Filed in Circuit Ct

Disposition:

Disposition Date:

		<u>Release/Status Change Date</u>	<u>Reason</u>
Judge	MICHAEL KELLAN MULLEN (39719)		
Plaintiff	ANN HAMILTON (@527511)		
REPRESENTED BY:			
Attorney for Plaintiff	RUFUS JAMES TATE JR (46993)		
Defendant	AUTOMOBILE CLUB OF MISSOURI (AUTCLUMO)		
REPRESENTED BY:			
Attorney for Defendant	BRIAN JOSEPH STAIR (67370)		
Defendant	NATIONAL RAILROAD PASSENGER CORP (AMTRAK) (NATRAIPAS)		
Defendant	CORTEZ THURMOND (@527512)		
Defendant	BARBARA GARDNER (@527513)		
Attorney for Defendant	JULIA ANNE TODD (46830)		

<u>Filing Date</u>	<u>Description</u>
29-Jul-2018	Judge Assigned Pet Filed in Circuit Ct Petition; Service Instructions. Filed By: RUFUS JAMES TATE JR On Behalf Of: ANN HAMILTON Note to Clerk eFiling Filed By: RUFUS JAMES TATE JR Filing Info Sheet eFiling Filed By: RUFUS JAMES TATE JR
30-Jul-2018	Summons Issued-Reg/Cert Mail Document ID: 18-SMCC-12448, for AUTOMOBILE CLUB OF MISSOURI. Summons Issued-Reg/Cert Mail Document ID: 18-SMCC-12449, for NATIONAL RAILROAD PASSENGER CORP (AMTRAK). Summons Issued-Reg/Cert Mail Document ID: 18-SMCC-12450, for THURMOND, CORTEZ. Summons Issued-Reg/Cert Mail Document ID: 18-SMCC-12451, for GARDNER, BARBARA. Summons Issued-Reg/Cert Mail Document ID: 18-SMCM-204, for AUTOMOBILE CLUB OF MISSOURI. Summons Issued-Reg/Cert Mail Document ID: 18-SMCM-205, for NATIONAL RAILROAD PASSENGER CORP (AMTRAK). Summons Issued-Reg/Cert Mail Document ID: 18-SMCM-206, for THURMOND, CORTEZ.

Case continued from previous page.

1822-CC10861**ANN HAMILTON V AUTOMOBILE CLUB OF
MISSOURI ET AL****Security Level: 1 Public****30-Jul-2018 Summons Issued-Reg/Cert Mail**

Document ID: 18-SMCM-207, for GARDNER, BARBARA.

Notice/Acknowledgement Issued

Document ID: 18-NASM-202, for AUTOMOBILE CLUB OF MISSOURI.

Notice/Acknowledgement IssuedDocument ID: 18-NASM-203, for NATIONAL RAILROAD PASSENGER CORP
(AMTRAK).**Notice/Acknowledgement Issued**

Document ID: 18-NASM-204, for THURMOND, CORTEZ.

Notice/Acknowledgement Issued

Document ID: 18-NASM-205, for GARDNER, BARBARA.

09-Aug-2018 Jury Trial Scheduled**Scheduled For:** 14-Jan-2019; 9:00 AM; MICHAEL KELLAN MULLEN; **Setting:** 0; City
of St. Louis**28-Aug-2018 Notice of Service**

Non-Est; USS Tracking report.

Filed By: RUFUS JAMES TATE JR**On Behalf Of:** ANN HAMILTON**Alias Summons Requested**

Request for Alias Summons.

Filed By: RUFUS JAMES TATE JR**On Behalf Of:** ANN HAMILTON**10-Sep-2018 Summons Issued-Reg/Cert Mail**Document ID: 18-SMCM-250, for NATIONAL RAILROAD PASSENGER CORP
(AMTRAK).**Summons Issued-Reg/Cert Mail**

Document ID: 18-SMCM-251, for THURMOND, CORTEZ.

Summons Issued-Reg/Cert Mail

Document ID: 18-SMCM-252, for GARDNER, BARBARA.

Notice/Acknowledgement IssuedDocument ID: 18-NASM-243, for NATIONAL RAILROAD PASSENGER CORP
(AMTRAK).**Notice/Acknowledgement Issued**

Document ID: 18-NASM-244, for THURMOND, CORTEZ.

Notice/Acknowledgement Issued

Document ID: 18-NASM-245, for GARDNER, BARBARA.

26-Sep-2018 Entry of Appearance Filed

Entry of Appearance; Electronic Filing Certificate of Service.

Filed By: JULIA ANNE TODD**On Behalf Of:** AUTOMOBILE CLUB OF MISSOURI

Report: CZR0026 v18.0

22ND JUDICIAL CIRCUIT
CITY OF ST. LOUIS
CIRCUIT COURT DOCKET SHEET

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Page: 3

Case continued from previous page.

1822-CC10861

**ANN HAMILTON V AUTOMOBILE CLUB OF
MISSOURI ET AL**

Security Level: 1 Public

26-Sep-2018 **Entry of Appearance Filed**

Entry of Appearance; Electronic Filing Certificate of Service.

Filed By: BRIAN JOSEPH STAIR

On Behalf Of: AUTOMOBILE CLUB OF MISSOURI

Motion to Dismiss

Defendant Automobile Club of Missouri Motion to Dismiss and Suggestions in Support;
Electronic Filing Certificate of Service.

Filed By: JULIA ANNE TODD

On Behalf Of: AUTOMOBILE CLUB OF MISSOURI

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI**

ANN HAMILTON,

Plaintiff

v.

AUTOMOBILE CLUB OF
MISSOURI, *et al*

Defendants.

Case No. 1822-CC10861

**DEFENDANT AUTOMOBILE CLUB OF MISSOURI'S MOTION TO DISMISS
AND SUGGESTIONS IN SUPPORT**

Defendant Automobile Club of Missouri ("AAA") moves the Court to dismiss Plaintiff Ann Hamilton's claim against AAA pursuant to Missouri Rule 55.27(a)(6) for failure to state a claim upon which relief can be granted. In support of its motion, AAA states as follows:

INTRODUCTION

This entire lawsuit is about a missed train. Plaintiff Ann Hamilton ("Plaintiff") claims that she was sold train tickets by AAA and that the tickets were not honored by Amtrak causing her to miss a train from Chicago to St. Louis. She has sued Amtrak and its employees, in two counts, for failing to honor those allegedly valid tickets. In the same breath, Plaintiff has also sued AAA, alleging that the issuance of those valid tickets somehow violated the Missouri Merchandising Practices Act ("MMPA"). However, Plaintiff has not pled sufficient facts to support such a claim. To state a claim under the MMPA, at a minimum, Plaintiff must allege facts demonstrating that AAA engaged in some type of act declared unlawful by statute. She has not, and cannot do this. For this reason, Plaintiff's sole claim against AAA should be dismissed for failure to state a claim.

STANDARD OF REVIEW

A motion to dismiss for failure to state a claim upon which relief can be granted is “solely a test of the adequacy of the plaintiff’s petition.” *Bosch v. St. Louis Healthcare Network*, 41 S.W.3d 462, 464 (Mo. banc 2001). The petition must state a cause of action or subject matter jurisdiction is not conferred upon the trial court and the petition is properly dismissed. See *Phillips v. Bradshaw*, 859 S.W.2d 232, 234 (Mo. App. 1993).

Missouri is a fact pleading state. *ITT Commercial Fin. Corp. v. Mid-Am. Marine Supply Corp.*, 854 S.W.2d 371, 379 (Mo. banc 1993). “The petition must allege facts to support each essential element of the cause to be pleaded.” *Bohac v. Walsh*, 223 S.W.3d 858, 862 (Mo. App. 2007). If the petition contains only conclusions and does not contain the ultimate facts or any allegations from which to infer those facts, the petition may be dismissed for failure to state a claim. *Id.* at 862. A petition “must plead ultimate facts demonstrating such an entitlement and cannot rely on mere conclusions. Courts disregard conclusions not supported by facts in determining whether a petition states a cause of action.” *Brock v. Blackwood*, 143 S.W.3d 47, 56 (Mo. App. 2004) (internal citations omitted) (holding that plaintiffs’ allegation that they were beneficiaries of trust was a “conclusion” and not a fact and that trial court lacked jurisdiction because petition failed to state a claim). “When a petition is attacked by motion to dismiss for failure to state a claim, the mere conclusions of the pleader are not admitted.” *Solberg v. Graven*, 174 S.W.3d 695, 698 (Mo. App. 2005) (citing *Matt v. Burrell, Inc.*, 892 S.W.2d 796, 798 (Mo. App. 1995)). “Mere conclusions by the pleader that are not supported by factual allegations are to be disregarded when considering whether a petition is sufficient to sustain dismissal for failure to state a claim upon which relief can be granted.” *Id.* (citing *Sw. Bell Yellow Pages, Inc. v. Wilkins*, 920 S.W.2d 544, 549 (Mo. App. 1996)).

ARGUMENT

To state a cause of action under the MMPA, Plaintiff is required to allege that she: (1) purchased merchandise; (2) for personal, family, or household purposes; and (3) suffered an ascertainable loss of money or property; (4) as a result of an act declared unlawful by Mo. Rev. Stat. § 407.020. Mo. Rev. Stat. § 407.025.1; *Chochorowski v. Home Depot U.S.A., Inc.*, 295 S.W.3d 194, 198 (Mo. App. 2009). Here, however, Plaintiff's Petition fails to allege any facts that would establish the fourth element – that AAA has engaged in “an act declared unlawful by Mo. Rev. Stat. § 407.020.” *See id.*

The Petition contains the following factual allegations¹ against AAA:

- Paragraph 2: “Defendant Automobile Club of Missouri d/b/a AAA Travel at all pertinent times herein was a duly registered Missouri corporation; and is sued under the doctrine of respondeat superior for the acts and omissions of its agents or employees[.]”
- Paragraph 9: “At all pertinent times herein, [co-Defendant] Amtrak sold all classes of train tickets through authorized agents such as AAA Travel[.]”
- Paragraph 11: “Plaintiff purchased from AAA Travel six business class Amtrak tickets for herself and five of her great grandchildren for personal use in connection with a day-trip tour of Chicago[.]”
- Paragraph 12: “AAA did not print up the tickets in a format familiar to or recognizable by ticket agent Gardner[.]”

See Petition at ¶¶ 2, 9, 11, 12. The Petition contains no other factual allegations concerning AAA's purported actions or omissions.

¹ Paragraphs 10 and 43 mention AAA, but contain legal conclusions, not facts.

The MMPA, in relevant part, makes unlawful the “act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce[.]” Mo. Rev. Stat. § 407.020.1. Accordingly, for Plaintiff to succeed against AAA on her MMPA claim, AAA must have engaged in some type of deception, fraud, false pretense, false promise, misrepresentation, or unfair practice, or must have concealed, suppressed, or omitted some material fact. Plaintiff was obligated to allege facts in her Petition that – if true – would demonstrate that AAA committed one of these unlawful acts.

She has not done so. Indeed, the only allegation which even hints at conduct for which AAA might be faulted is contained in Paragraph 12, which states merely that that AAA “did not print up [Plaintiff’s] tickets in a format familiar to or recognizable by” the Amtrak ticket agent.”² See Petition at ¶ 12. In short, her only factual claim is that someone at AAA printed something that someone at Amtrak didn’t recognize. This fails to qualify as an unlawful act. As a result, Plaintiff has not alleged any facts establishing one of the essential elements of her MMPA claim against AAA, and such claim must be dismissed.

CONCLUSION

WHEREFORE, Defendant Automobile Club of Missouri prays the Court enter an Order dismissing all claims against it from Plaintiff’s Petition, and for such other and further relief as the Court deems just, equitable, and proper.

² AAA emphasizes that the Petition does not actually allege that AAA’s printing format was improper or that the format made the tickets invalid. Rather, the Petition alleges that Amtrak ticket agents erroneously refused to accept the tickets and allow Plaintiff and her family members to board the train. See Petition at ¶¶ 15-29.

Respectfully submitted,

HUSCH BLACKWELL LLP

By: /s/ Julia Farrell

Julia Farrell, #46830

Brian J. Stair, #67370

190 Carondelet Plaza, Suite 600

Saint Louis, Missouri 63105

Telephone: (314) 480-1500

Facsimile: (314) 480-1505

Email: julia.farrell@huschblackwell.com

brian.stair@huschblackwell.com

*Attorneys for Defendant Automobile Club of
Missouri*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed with the Court via the Court's electronic filing system and thus served upon all parties of record this 26th day of September, 2018.

/s/ Julia Farrell

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

ANN HAMILTON,

Plaintiff

v.

AUTOMOBILE CLUB OF
MISSOURI, *et al*

Defendants.

Case No. 1822-CC10861

ENTRY OF APPEARANCE

Brian Stair of Husch Blackwell LLP hereby enters his appearance on behalf of
Defendants Automobile Club of Missouri in the above-captioned matter.

Respectfully submitted,

HUSCH BLACKWELL LLP

By: /s/ Brian Stair

Brian J. Stair, #67370
190 Carondelet Plaza, Suite 600
Saint Louis, Missouri 63105
Telephone: (314) 480-1500
Facsimile: (314) 480-1505
Email: brian.stair@huschblackwell.com

Attorneys for Defendant Automobile Club of Missouri

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed with the Court via the Court's electronic filing system and thus served upon all parties of record this 26th day of September, 2018.

/s/ Brian Stair

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

ANN HAMILTON,

Plaintiff

v.

AUTOMOBILE CLUB OF
MISSOURI, *et al*

Defendants.

Case No. 1822-CC10861

ENTRY OF APPEARANCE

Julia Farrell of Husch Blackwell LLP hereby enters her appearance on behalf of
Defendants Automobile Club of Missouri in the above-captioned matter.

Respectfully submitted,

HUSCH BLACKWELL LLP

By: /s/ Julia Farrell

Julia Farrell, #46830

190 Carondelet Plaza, Suite 600

Saint Louis, Missouri 63105

Telephone: (314) 480-1500

Facsimile: (314) 480-1505

Email: julia.farrell@huschblackwell.com

Attorneys for Defendant Automobile Club of Missouri

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed with the Court via the Court's electronic filing system and thus served upon all parties of record this 26th day of September, 2018.

/s/ Julia Farrell



IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL KELLAN MULLEN	Case Number: 1822-CC10861
Plaintiff/Petitioner: ANN HAMILTON	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101
Defendant/Respondent: AUTOMOBILE CLUB OF MISSOURI	
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

Notice and Acknowledgement for Service by Mail
(Circuit Division Cases)

Notice

To: BARBARA GARDNER

C/O ELEANOR D ACHESON, CHIEF
LEGAL OFFICER & GENERAL
COUNSEL 1 MASSACHUSETTS AVE NW
WASHINGTON, DC 20001

The enclosed summons and petition are served pursuant to Missouri Supreme Court Rule 54.16.

You may sign and date the acknowledgement part of this form and return one copy of the completed form to the sender within thirty days of 10-SEP-2018.

If you are served on behalf of a corporation, unincorporated association, including a partnership, or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return the form to the sender within thirty days, you or the party on whose behalf you are being served may be required to pay any expenses incurred in serving a summons and petition in any other manner permitted by law.

If you do complete and return this form, you or the party on whose behalf you are being served must answer the petition within thirty days of the date you sign in acknowledgment below. If you fail to do so, judgment by default may be taken against you for the relief demanded in the petition.

I declare, under penalty of perjury, that this notice was mailed on 10-SEP-2018.

Signature

Acknowledgment of Receipt of Summons and Petition

I declare, under penalty of filing a false affidavit, that I received a copy of the Summons and of the Petition in the above captioned matter.

Date

Signature

Relationship to Entity/Authority to receive service of process



IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL KELLAN MULLEN	Case Number: 1822-CC10861	(Date File Stamp)
Plaintiff/Petitioner: ANN HAMILTON	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Defendant/Respondent: AUTOMOBILE CLUB OF MISSOURI		
Nature of Suit: CC Pers Injury-Other		

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(Circuit Division Cases)

Notice

To: BARBARA GARDNER

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IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL KELLAN MULLEN	Case Number: 1822-CC10861	(Date File Stamp)
Plaintiff/Petitioner: ANN HAMILTON	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Defendant/Respondent: AUTOMOBILE CLUB OF MISSOURI		
Nature of Suit: CC Pers Injury-Other		

Notice and Acknowledgement for Service by Mail
(Circuit Division Cases)

Notice

To: CORTEZ THURMOND

C/O ELEANOR D ACHESON, CHIEF
LEGAL OFFICER & GENERAL
COUNSEL 1 MASSACHUSETTS AVE NW
WASHINGTON, DC 20001

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Date

Signature

Relationship to Entity/Authority to receive service of process



IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL KELLAN MULLEN	Case Number: 1822-CC10861
Plaintiff/Petitioner: ANN HAMILTON	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101
vs.	
Defendant/Respondent: AUTOMOBILE CLUB OF MISSOURI	
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Notice and Acknowledgement for Service by Mail
(Circuit Division Cases)

Notice

To: NATIONAL RAILROAD PASSENGER CORP (AMTRAK)

C/O ELEANOR D ACHESON, CHIEF
LEGAL OFFICER & GENERAL
COUNSEL 1 MASSACHUSETTS AVE NW
WASHINGTON, DC 20001

The enclosed summons and petition are served pursuant to Missouri Supreme Court Rule 54.16.

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I declare, under penalty of perjury, that this notice was mailed on 10-SEP-2018.

Signature

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Date

Signature

Relationship to Entity/Authority to receive service of process



IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL KELLAN MULLEN	Case Number: 1822-CC10861	(Date File Stamp)
Plaintiff/Petitioner: ANN HAMILTON	Plaintiff's/Petitioner's Attorney/Address: RUFUS JAMES TATE JR. THE TATE LAW FIRM LLC 230 BEMISTON AVE SUITE 1470 CLAYTON, MO 63105	
Defendant/Respondent: AUTOMOBILE CLUB OF MISSOURI	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Pers Injury-Other		

Summons for Service by Registered or Certified Mail

The State of Missouri to: BARBARA GARDNER
Alias:

C/O ELEANOR D ACHESON, CHIEF
LEGAL OFFICER & GENERAL
COUNSEL 1 MASSACHUSETTS AVE NW
WASHINGTON, DC 20001

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner, or Plaintiff/Petitioner, if pro se, at the above address all within 30 days after the return registered or certified mail receipt signed by you has been filed in this cause. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in the petition.

SEPTEMBER 10, 2018

Date Issued

THOMAS KLOEPPINGER

Clerk

Further Information:

Certificate of Mailing

I certify that on _____ (date), I mailed a copy of this summons and a copy of the petition to Defendant/Respondent BARBARA GARDNER by registered or certified mail, requesting a return receipt by the addressee only, to the said Defendant/Respondent at the address furnished by Plaintiff/Petitioner.

Date



IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL KELLAN MULLEN	Case Number: 1822-CC10861	(Date File Stamp)
Plaintiff/Petitioner: ANN HAMILTON	Plaintiff's/Petitioner's Attorney/Address: RUFUS JAMES TATE JR. THE TATE LAW FIRM LLC 230 BEMISTON AVE SUITE 1470 CLAYTON, MO 63105	
Defendant/Respondent: AUTOMOBILE CLUB OF MISSOURI	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Pers Injury-Other		

Summons for Service by Registered or Certified Mail

The State of Missouri to: CORTEZ THURMOND

Alias:

C/O ELEANOR D ACHESON, CHIEF
LEGAL OFFICER & GENERAL
COUNSEL 1 MASSACHUSETTS AVE NW
WASHINGTON, DC 20001

COURT SEAL OF



CITY OF ST LOUIS

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SEPTEMBER 10, 2018

Date Issued

THOMAS KLOEPPINGER

Clerk

Further Information:

Certificate of Mailing

I certify that on _____ (date), I mailed a copy of this summons and a copy of the petition to Defendant/Respondent CORTEZ THURMOND by registered or certified mail, requesting a return receipt by the addressee only, to the said Defendant/Respondent at the address furnished by Plaintiff/Petitioner.

Date



IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL KELLAN MULLEN	Case Number: 1822-CC10861	(Date File Stamp)
Plaintiff/Petitioner: ANN HAMILTON	Plaintiff's/Petitioner's Attorney/Address: RUFUS JAMES TATE JR. THE TATE LAW FIRM LLC 230 BEMISTON AVE SUITE 1470 CLAYTON, MO 63105	
Defendant/Respondent: AUTOMOBILE CLUB OF MISSOURI	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Pers Injury-Other		

Summons for Service by Registered or Certified Mail

The State of Missouri to: NATIONAL RAILROAD PASSENGER CORP (AMTRAK)
Alias:

C/O ELEANOR D ACHESON, CHIEF
LEGAL OFFICER & GENERAL
COUNSEL 1 MASSACHUSETTS AVE NW
WASHINGTON, DC 20001

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner, or Plaintiff/Petitioner, if pro se, at the above address all within 30 days after the return registered or certified mail receipt signed by you has been filed in this cause. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in the petition.

SEPTEMBER 10, 2018

Date Issued

THOMAS KLOEPPINGER

Clerk

Further Information:

Certificate of Mailing

I certify that on _____ (date), I mailed a copy of this summons and a copy of the petition to Defendant/Respondent NATIONAL RAILROAD PASSENGER CORP (AMTRAK) by registered or certified mail, requesting a return receipt by the addressee only, to the said Defendant/Respondent at the address furnished by Plaintiff/Petitioner.

Date

IN THE TWENTY-SECOND JUDICIAL CIRCUIT COURT
STATE OF MISSOURI

ANN HAMILTON,

Plaintiff,

Cause No: 1822-CC10861

v.

Division No: 1 (Mullen, J.)

AUTOMOBILE CLUB OF
MISSOURI, NATIONAL RAILROAD
PASSENGER CORPORATION,
CORTEZ THURMOND, BARBARA
GARDNER;

Defendant.

REQUEST FOR ALIAS SUMMONS

Pursuant to Rules 54.13(a) and 54.16, Plaintiff's counsel shall serve the following Amtrak defendants by certified mail at the following addresses:

National Railroad Passenger Corporation a/k/a Amtrak,
c/o Eleanor D. Acheson, Chief Legal Officer & General Counsel
1 Massachusetts Avenue, NW
Washington, DC 20001

Cortez Thurmond,
c/o Eleanor D. Acheson, Chief Legal Officer & General Counsel
National Railroad Passenger Corporation
1 Massachusetts Avenue, NW
Washington, DC 20001

Barbara Gardner,
c/o Eleanor D. Acheson, Chief Legal Officer & General Counsel
National Railroad Passenger Corporation
1 Massachusetts Avenue, NW
Washington, DC 20001

Respectfully submitted,

THE TATE LAW FIRM, LLC

/s/ Rufus J. Tate, Jr.
Rufus J. Tate, Jr. 46993
230 Bemiston Avenue, Suite 1470
Clayton, MO 63105
314.726.6495 Office
855.825.8283 Fax
tatelawfirm@gmail.com
Counsel for Ann Hamilton

IN THE TWENTY-SECOND JUDICIAL CIRCUIT COURT
STATE OF MISSOURI

ANN HAMILTON,

Plaintiff,

v.

AUTOMOBILE CLUB OF
MISSOURI, NATIONAL RAILROAD
PASSENGER CORPORATION,
CORTEZ THURMOND, BARBARA
GARDNER;

Defendant.

Cause No: 1822-CC10861

Division No: 1 (Mullen, J.)

Affidavit of Non-Est

PLEASE NOTE that the Amtrak defendants (National Railroad Passenger Company,
Cortez Thurmond, and Barbara Gardner) have not been served (see attached).

Respectfully submitted,

THE TATE LAW FIRM, LLC

/s/ Rufus J. Tate, Jr.

Rufus J. Tate, Jr. 46993

230 Bemiston Avenue, Suite 1470

Clayton, MO 63105

314.726.6495 Office

855.825.8283 Fax

tatelawfirm@gmail.com

Counsel for Ann Hamilton

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August 6, 2018

In Transit to Next Facility

August 5, 2018, 12:15 pm

Arrived at USPS Regional Destination Facility

WASHINGTON DC DISTRIBUTION CENTER

August 4, 2018, 1:01 am

Departed USPS Regional Origin Facility

SAINT LOUIS MO DISTRIBUTION CENTER

August 3, 2018, 8:28 pm

Arrived at USPS Regional Origin Facility

SAINT LOUIS MO DISTRIBUTION CENTER

August 3, 2018

In Transit to Next Facility

August 3, 2018, 11:50 am

USPS in possession of item

SAINT LOUIS, MO 63105

August 2, 2018

USPS expects item for mailing (SSK)

SAINT LOUIS, MO 63105

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IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL KELLAN MULLEN	Case Number: 1822-CC10861	(Date File Stamp)
Plaintiff/Petitioner: ANN HAMILTON	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Defendant/Respondent: AUTOMOBILE CLUB OF MISSOURI		
Nature of Suit: CC Pers Injury-Other		

Notice and Acknowledgement for Service by Mail
(Circuit Division Cases)

Notice

To: BARBARA GARDNER

C/O NATIONAL RAILROAD PASSENGER
60 MASSACHUSETTS AVENUE NE
WASHINGTON, DC 20002

The enclosed summons and petition are served pursuant to Missouri Supreme Court Rule 54.16.

You may sign and date the acknowledgement part of this form and return one copy of the completed form to the sender within thirty days of 30-JUL-2018.

If you are served on behalf of a corporation, unincorporated association, including a partnership, or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return the form to the sender within thirty days, you or the party on whose behalf you are being served may be required to pay any expenses incurred in serving a summons and petition in any other manner permitted by law.

If you do complete and return this form, you or the party on whose behalf you are being served must answer the petition within thirty days of the date you sign in acknowledgment below. If you fail to do so, judgment by default may be taken against you for the relief demanded in the petition.

I declare, under penalty of perjury, that this notice was mailed on 30-JUL-2018.

Signature

Acknowledgment of Receipt of Summons and Petition

I declare, under penalty of filing a false affidavit, that I received a copy of the Summons and of the Petition in the above captioned matter.

Date

Signature

Relationship to Entity/Authority to receive service of process



IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL KELLAN MULLEN	Case Number: 1822-CC10861
Plaintiff/Petitioner: ANN HAMILTON	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101
vs.	
Defendant/Respondent: AUTOMOBILE CLUB OF MISSOURI	
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

Notice and Acknowledgement for Service by Mail
(Circuit Division Cases)

Notice

To: CORTEZ THURMOND

C/O NATIONAL RAILROAD PASSENGER
60 MASSACHUSETTS AVENUE NE
WASHINGTON, DC 20002

The enclosed summons and petition are served pursuant to Missouri Supreme Court Rule 54.16.

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If you are served on behalf of a corporation, unincorporated association, including a partnership, or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

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Signature

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Date

Signature

Relationship to Entity/Authority to receive service of process



IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL KELLAN MULLEN	Case Number: 1822-CC10861
Plaintiff/Petitioner: ANN HAMILTON	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101
Defendant/Respondent: AUTOMOBILE CLUB OF MISSOURI	
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

Notice and Acknowledgement for Service by Mail
(Circuit Division Cases)

Notice

To: NATIONAL RAILROAD PASSENGER CORP (AMTRAK)

60 MASSACHUSETTS AVENUE NE
WASHINGTON, DC 20002

The enclosed summons and petition are served pursuant to Missouri Supreme Court Rule 54.16.

You may sign and date the acknowledgement part of this form and return one copy of the completed form to the sender within thirty days of 30-JUL-2018.

If you are served on behalf of a corporation, unincorporated association, including a partnership, or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

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Date

Signature

Relationship to Entity/Authority to receive service of process



IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL KELLAN MULLEN	Case Number: 1822-CC10861	(Date File Stamp)
Plaintiff/Petitioner: ANN HAMILTON	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Defendant/Respondent: AUTOMOBILE CLUB OF MISSOURI		
Nature of Suit: CC Pers Injury-Other		

Notice and Acknowledgement for Service by Mail
(Circuit Division Cases)

Notice

To: AUTOMOBILE CLUB OF MISSOURI

12901 N FORTY DRIVE
SAINT LOUIS, MO 63141

The enclosed summons and petition are served pursuant to Missouri Supreme Court Rule 54.16.

You may sign and date the acknowledgement part of this form and return one copy of the completed form to the sender within thirty days of 30-JUL-2018.

If you are served on behalf of a corporation, unincorporated association, including a partnership, or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return the form to the sender within thirty days, you or the party on whose behalf you are being served may be required to pay any expenses incurred in serving a summons and petition in any other manner permitted by law.

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Signature

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Date

Signature

Relationship to Entity/Authority to receive service of process



IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL KELLAN MULLEN	Case Number: 1822-CC10861	(Date File Stamp)
Plaintiff/Petitioner: ANN HAMILTON	Plaintiff's/Petitioner's Attorney/Address: RUFUS JAMES TATE JR. THE TATE LAW FIRM LLC 230 BEMISTON AVE SUITE 1470 CLAYTON, MO 63105	
Defendant/Respondent: AUTOMOBILE CLUB OF MISSOURI	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Pers Injury-Other		

Summons for Service by Registered or Certified Mail

The State of Missouri to: BARBARA GARDNER

Alias:

C/O NATIONAL RAILROAD PASSENGER
60 MASSACHUSETTS AVENUE NE
WASHINGTON, DC 20002

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner, or Plaintiff/Petitioner, if pro se, at the above address all within 30 days after the return registered or certified mail receipt signed by you has been filed in this cause. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in the petition.

JULY 30, 2018

Date Issued

THOMAS KLOEPPINGER

Clerk

Further Information:

Certificate of Mailing

I certify that on _____ (date), I mailed a copy of this summons and a copy of the petition to Defendant/Respondent BARBARA GARDNER by registered or certified mail, requesting a return receipt by the addressee only, to the said Defendant/Respondent at the address furnished by Plaintiff/Petitioner.

Date



IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL KELLAN MULLEN	Case Number: 1822-CC10861
Plaintiff/Petitioner: ANN HAMILTON	Plaintiff's/Petitioner's Attorney/Address: RUFUS JAMES TATE JR. THE TATE LAW FIRM LLC 230 BEMISTON AVE SUITE 1470 CLAYTON, MO 63105
Defendant/Respondent: AUTOMOBILE CLUB OF MISSOURI	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Summons for Service by Registered or Certified Mail

The State of Missouri to: CORTEZ THURMOND

Alias:

C/O NATIONAL RAILROAD PASSENGER
60 MASSACHUSETTS AVENUE NE
WASHINGTON, DC 20002

COURT SEAL OF



CITY OF ST LOUIS

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JULY 30, 2018

Date Issued

THOMAS KLOEPPINGER

Clerk

Further Information:

Certificate of Mailing

I certify that on _____ (date), I mailed a copy of this summons and a copy of the petition to Defendant/Respondent CORTEZ THURMOND by registered or certified mail, requesting a return receipt by the addressee only, to the said Defendant/Respondent at the address furnished by Plaintiff/Petitioner.

Date



IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL KELLAN MULLEN	Case Number: 1822-CC10861	(Date File Stamp)
Plaintiff/Petitioner: ANN HAMILTON	Plaintiff's/Petitioner's Attorney/Address: RUFUS JAMES TATE JR. THE TATE LAW FIRM LLC 230 BEMISTON AVE SUITE 1470 vs. CLAYTON, MO 63105	
Defendant/Respondent: AUTOMOBILE CLUB OF MISSOURI	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Pers Injury-Other		

Summons for Service by Registered or Certified Mail

The State of Missouri to: NATIONAL RAILROAD PASSENGER CORP (AMTRAK)
Alias:

60 MASSACHUSETTS AVENUE NE
WASHINGTON, DC 20002

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner, or Plaintiff/Petitioner, if pro se, at the above address all within 30 days after the return registered or certified mail receipt signed by you has been filed in this cause. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in the petition.

JULY 30, 2018

Date Issued

Further Information:

THOMAS KLOEPPINGER

Clerk

Certificate of Mailing

I certify that on _____ (date), I mailed a copy of this summons and a copy of the petition to Defendant/Respondent NATIONAL RAILROAD PASSENGER CORP (AMTRAK) by registered or certified mail, requesting a return receipt by the addressee only, to the said Defendant/Respondent at the address furnished by Plaintiff/Petitioner.

Date



IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL KELLAN MULLEN	Case Number: 1822-CC10861
Plaintiff/Petitioner: ANN HAMILTON	Plaintiff's/Petitioner's Attorney/Address: RUFUS JAMES TATE JR. THE TATE LAW FIRM LLC 230 BEMISTON AVE SUITE 1470 CLAYTON, MO 63105
Defendant/Respondent: AUTOMOBILE CLUB OF MISSOURI	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Summons for Service by Registered or Certified Mail

The State of Missouri to: AUTOMOBILE CLUB OF MISSOURI
Alias:

12901 N FORTY DRIVE
SAINT LOUIS, MO 63141

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner, or Plaintiff/Petitioner, if pro se, at the above address all within 30 days after the return registered or certified mail receipt signed by you has been filed in this cause. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in the petition.

JULY 30, 2018

Date Issued

THOMAS KLOEPPINGER

Clerk

Further Information:

Certificate of Mailing

I certify that on _____ (date), I mailed a copy of this summons and a copy of the petition to Defendant/Respondent AUTOMOBILE CLUB OF MISSOURI by registered or certified mail, requesting a return receipt by the addressee only, to the said Defendant/Respondent at the address furnished by Plaintiff/Petitioner.

Date

1822-CC10861

Service instructions attached for certified mail service

IN THE TWENTY-SECOND JUDICIAL CIRCUIT COURT
STATE OF MISSOURI

ANN HAMILTON,

Plaintiff,

Cause No: _____

v.

Division No: _____

AUTOMOBILE CLUB OF
MISSOURI, NATIONAL RAILROAD
PASSENGER CORPORATION,
CORTEZ THURMOND, BARBARA
GARDNER;

Defendant.

PETITION

COMES NOW Ann Hamilton, by and through counsel, and states the following for her claims for damages:

- 1) Plaintiff Ann Hamilton at all pertinent times herein was an African-American adult residing in the City of St. Louis;
- 2) Defendant Automobile Club of Missouri d/b/a AAA Travel at all pertinent times herein was a duly registered Missouri corporation; and is sued under the doctrine of *respondeat superior* for the acts and omissions of its agents or employees;
- 3) Defendant National Railroad Passenger Corporation ("Amtrak") at all pertinent times herein was a foreign corporation operating within the City of St. Louis; and is sued under the doctrine of *respondeat superior* for the acts and omissions of its agents or employees;

- 4) Defendant Cortez Thurmond ("Conductor") at all pertinent times herein was employed by Amtrak as the conductor of train 307;
- 5) Defendant Barbara Gardner ("Ticket Agent") at all pertinent times herein was employed by Amtrak as a ticket agent;
- 6) Venue is appropriate herein pursuant to §§ 407.025.1 and 508.010.5(3) RSMo because (1) Plaintiff resides herein;
- 7) This Court has subject-matter jurisdiction over all claims herein pursuant to Mo. Const. art. V, § 14;
- 8) At all pertinent times herein, Amtrak operated a passenger train service to Chicago, Illinois; and offered "business class" seating for a higher price or premium than other classes of tickets;
- 9) At all pertinent times herein, Amtrak sold all classes of train tickets through authorized agents such as AAA Travel;
- 10) At all pertinent times herein AAA Travel was both an independent contractor and agent of Amtrak because it acted to further the business interests of Amtrak in the instant transaction;
- 11) Plaintiff purchased from AAA Travel six business class Amtrak tickets for herself and five of her great grandchildren for personal use in connection with a day-trip tour of Chicago;
- 12) AAA did not print up the tickets in a format familiar to or recognizable by ticket agent Gardner;
- 13) Plaintiff's party embarked on the Amtrak train from the City of St. Louis terminal;
- 14) Plaintiff was promised a safe return thereto on the same evening;

- 15) Amtrak officials breached their duty to safely return Plaintiff's party to the St. Louis Amtrak terminal; and instead delayed her party in the Chicago terminal;
- 16) Despite Plaintiff's offer to Gardner of the entire AAA Travel packet for quick review and confirmation, Gardner refused same and instigated the prolonged and unnecessary delay of Plaintiff's party at the ticket counter;
- 17) When Plaintiff began to express her concern that Gardner's refusal to review the AAA Travel package was causing unnecessary delay, Gardner ignored her protests and instigated further delay with the intent to cause Plaintiff's party to miss Train 307;
- 18) Gardner never cleared Plaintiff's party for boarding;
- 19) Plaintiff eventually sought a second opinion or assistance from a more seasoned Amtrak ticket agent, Jordan-Lockhart, who actually did authorize and clear Plaintiff's party for boarding, but only just before "coach class" passengers were permitted to board;
- 20) One of the reasons for Plaintiff's purchase of business class tickets was the priority boarding with her great grandchildren ranging in ages four (4) to twelve (12) after a day of touring Chicago;
- 21) Jordan-Lockhart advised Plaintiff's party to hurry before the coach class passengers began to board;
- 22) Plaintiff very much desired to board the train with sufficient time to organize all five great grandchildren; and complied with Lockhart-Jordan's order to hurry;
- 23) However, as Plaintiff initiated her boarding attempt, Thurmond stopped her to review her ticket;
- 24) Thurmond did not recognize the ticket format, and detained Plaintiff and the great grandchildren until all other passengers boarded the train;

- 25) Thurmond detained Plaintiff's party in retaliation for her questioning his conduct in breaching her ticket contract, interfering with her quiet enjoyment of the train service, and causing further anxiety and fatigue of the great grandchildren;
- 26) When Plaintiff advised Thurmond of her intent to advise the NAACP of the poor manner in which she had been treated, Thurmond responded in effect: Call the NAACP on me. You ain't riding my train;
- 27) Thurmond refused to review the ticket and/or AAA Travel packet;
- 28) Instead, Thurmond summoned the Amtrak police unit to detain and derail Plaintiff's party;
- 29) Thurmond caused Plaintiff's party to miss Train 307, the last train departing for St. Louis that night;
- 30) No Amtrak official attempted to accommodate Plaintiff and her great grandchildren overnight or to make alternative travel arrangements;
- 31) The only customer courtesy extended by any Amtrak official was to give Plaintiff the phone number to Greyhound Bus Company in Chicago;
- 32) To be clear, Amtrak officials did not arrange for transport via Greyhound; did not transport Plaintiff to the Greyhound station; did not provide any escort or security to Plaintiff's party to Greyhound although knowing it was located more than half a mile away from the Amtrak station, dark, and that Plaintiff did not know if she even had enough money to purchase Greyhound tickets for her party;
- 33) Amtrak effectively "dumped" Plaintiff's party on the streets of Chicago, to fend for herself;
- 34) Amtrak never followed up with Plaintiff to check on her safety and well-being or to further investigate or review the incident;

- 35) Instead, Amtrak blamed the entire episode on Plaintiff in response to a complaint she filed with the Commission on Human Rights;
- 36) Plaintiff suffered ascertainable damage and injury including, but not limited to, unilateral shifting of financial losses, anxiety, stress, bouts of sleeplessness, feeling powerless to protect her own great grandchildren or even herself; and fear of riding the train;
- 37) Defendants' conduct reflects an evil motive or reckless disregard for the rights of Plaintiff and each of her great grandchildren; and warrants the imposition of exemplary damages to punish Amtrak and to deter other similarly-situated defendant transportation companies from such future misconduct;
- 38) Plaintiff has incurred and shall continue to incur reasonably foreseeable attorney's fees to prosecute this civil action;
- 39) Plaintiff requests a jury trial;

Count I

Violation of the Missouri Merchandising Practices Act

Plaintiff hereby incorporates each of the foregoing allegations as though fully restated herein and for her MMPA claim states:

- 40) Plaintiff purchased six Amtrak business class tickets;
- 41) Plaintiff purchased the Amtrak tickets for her personal or familial use;
- 42) Plaintiff suffered an ascertainable loss of money or property;
- 43) AAA Travel and Amtrak defendants caused Plaintiff's loss through negligence, inadvertence, inattention, retaliatory animus in response to Plaintiff's customer complaints, breach of contract, and other unfair practices to effectively chill her speech and to punish her for questioning the poor customer service;

For the foregoing reasons, Plaintiff respectfully requests Judgment in her favor and against defendants AAA Travel, Amtrak, Thurmond and Gardner as follows:

- A) Compensatory damages in excess of \$25,000;
- B) Exemplary Damages;
- C) Pre- and Post-Judgment Interest;
- D) Attorney's fees pursuant to § 407.025.1; and
- E) Any other relief this honorable Commission deems necessary and appropriate.

Count II
Malicious Trespass

Plaintiff hereby incorporates each of the foregoing allegations as though fully restated herein and for her § 537.330 RSMo claim states:

- 44) Amtrak defendants maliciously and wantonly destroyed the personal property rights of each individual in Plaintiff's party rendering each ticket valueless and useless;
- 45) Plaintiff suffered losses thereby;

For the foregoing reasons, Plaintiff respectfully requests Judgment in her favor and against defendants Amtrak, Thurmond and Gardner as follows:

- A) Compensatory damages pursuant to § 537.330 RSMo;
- B) Pre- and Post-Judgment Interest; and
- C) Any other relief this honorable Commission deems necessary and appropriate.

Respectfully submitted,

THE TATE LAW FIRM, LLC

/s/ Rufus J. Tate, Jr.

Rufus J. Tate, Jr. 46993

230 Bemiston Avenue, Suite 1470

Clayton, MO 63105

314.726.6495 Office

855.825.8283 Fax

tatelawfirm@gmail.com

Counsel for Ann Hamilton

IN THE TWENTY-SECOND JUDICIAL CIRCUIT COURT
STATE OF MISSOURI

ANN HAMILTON,

Plaintiff,

Cause No: _____

v.

Division No: _____

AUTOMOBILE CLUB OF
MISSOURI, NATIONAL RAILROAD
PASSENGER CORPORATION,
CORTEZ THURMOND, BARBARA
GARDNER;

Defendant.

Service Instructions

Pursuant to Rules 54.13(a) and 54.16, Plaintiff's counsel shall serve the following defendants by certified mail at the following addresses:

- 1) Automobile Club of Missouri, 12901 N. forty Drive, St. Louis 63141;
- 2) National Railroad Passenger Corporation, 60 Massachusetts Avenue NE, Washington, D.C. 20002;
- 3) Cortez Thurmond, 60 Massachusetts Avenue NE, Washington, D.C. 20002;
- 4) Barbara Gardner, 60 Massachusetts Avenue NE, Washington, D.C. 20002;

Respectfully submitted,

THE TATE LAW FIRM, LLC

/s/ Rufus J. Tate, Jr.
Rufus J. Tate, Jr. 46993
230 Bemiston Avenue, Suite 1470
Clayton, MO 63105
314.726.6495 Office
855.825.8283 Fax
tatelawfirm@gmail.com
Counsel for Ann Hamilton

STATE OF MISSOURI)
)ss
CITY OF ST. LOUIS)

**I, THOMAS KLOEPPINGER, Clerk of the Circuit Court within
and for the City of St. Louis, State of Missouri, do hereby certify that
the foregoing are true copies of original documents on files and
recorded in my office for the following case
ENTIRE FILE**

St. Louis City case number 1822-CC10861

**WITNESS my hand and SEAL of said Court this 19TH day of
OCTOBER, 2018.**

Thomas Kloeppinger

**Thomas Kloeppinger
Circuit Clerk**

By: *Eveline Battle*
Deputy Clerk



SEAL of the CIRCUIT COURT